



The Journal OF THE *House of Representatives*

Number 31

Friday, April 19, 2013

First Reading of Committee and Subcommittee Substitutes by Publication

By the Regulatory Affairs Committee; and Insurance & Banking Subcommittee; Representatives **Hager** and **Renuart**—

CS/CS/HB 1107—A bill to be entitled An act relating to the Florida Hurricane Catastrophe Fund; amending s. 215.555, F.S.; revising the definition of the term "corporation"; deleting an outdated coverage level; revising coverage levels available under the reimbursement contract; revising aggregate coverage limits; providing for the phase-in of changes to coverage levels and limits; requiring the board to perform certain calculations under specified circumstances; revising the exemption of medical malpractice insurance premiums from emergency assessments if certain revenues are determined to be insufficient to fund the obligations, costs, and expenses of the Florida Hurricane Catastrophe Fund and the Florida Hurricane Catastrophe Fund Finance Corporation; changing the name of the Florida Hurricane Catastrophe Fund Finance Corporation; amending s. 215.555, F.S.; deleting provisions relating to temporary emergency options for additional coverage; amending s. 627.0629, F.S.; conforming a cross-reference; providing effective dates.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Judiciary Committee; Justice Appropriations Subcommittee; and Criminal Justice Subcommittee; Representatives **Gaetz**, **Hager**, **Hood**, **Kerner**, **Metz**, **Passidomo**, and **Pilon**—

CS/CS/HB 7083—A bill to be entitled An act relating to the death penalty; providing a short title; amending s. 27.40, F.S.; requiring the court to appoint the capital collateral regional counsel to represent persons convicted and sentenced to death in clemency proceedings; amending s. 27.51, F.S.; removing the court's authority to appoint a public defender to represent a person convicted and sentenced to death in clemency proceedings; amending s. 27.511, F.S.; removing the court's authority to appoint the office of criminal conflict and civil regional counsel to represent a person convicted and sentenced to death in clemency proceedings; amending s. 27.5303, F.S.; removing the court's authority to appoint a public defender to represent an indigent person convicted and sentenced to death in clemency proceedings; amending s. 27.5304, F.S.; requiring funds used to compensate court-appointed attorneys who represent a person convicted and sentenced to death in clemency proceedings to be paid by the Justice Administrative Commission rather than the Department of Corrections; amending s. 27.7001, F.S.; removing legislative intent language indicating that collateral representation of persons convicted and sentenced to death should not include representation during clemency proceedings; amending s. 27.701(2), F.S.; repealing a pilot project using registry attorneys to provide capital collateral counsel services in the northern region of the Capital Collateral Regional

Counsel; amending s. 27.702, F.S.; authorizing the capital collateral regional counsel to represent persons convicted and sentenced to death in clemency proceedings; removing language requiring the capital collateral regional counsel to only file postconviction actions authorized by statute; amending s. 27.703, F.S.; prohibiting the capital collateral regional counsel and replacement regional counsel from accepting an appointment or taking and action that creates an actual conflict of interest; describing actual conflict of interest; amending s. 27.7045, F.S.; prohibiting an attorney from representing a person charged with a capital offense in specified proceedings for 5 years if in two separate instances a court, in a capital postconviction proceeding, determined that the attorney provided constitutionally deficient representation and relief was granted; amending s. 27.7081, F.S.; providing definitions; establishing procedures for public records production in postconviction capital cases proceedings; amending s. 27.710, F.S.; requiring private registry attorneys appointed by the court to represent persons in postconviction capital proceedings to meet certain criteria; requiring private registry attorneys appointed by the court to represent persons in postconviction capital proceedings to contract with the Justice Administrative Commission rather than the Chief Financial Officer; specifying that the Justice Administrative Commission is the contract manager and requiring the Justice Administrative Commission to approve uniform contract forms and procedures; amending s. 27.711, F.S.; replacing references to the "Chief Financial Officer" with "Justice Administrative Commission" for purposes of paying private registry attorneys appointed by the court to represent persons in postconviction capital proceedings; permitting private registry attorneys appointed by the court to represent persons in postconviction capital proceedings to represent no more than ten, rather than five, defendants in capital postconviction litigation at any one time; amending s. 922.095, F.S.; requiring persons convicted and sentenced to death to pursue all possible collateral remedies in state court in accordance with the Florida Rules of Criminal Procedure rather than in accordance with statute; amending s. 922.052, F.S.; requiring the sheriff to send the record of a person's conviction and death sentence to the clerk of the Florida Supreme Court; specifying that a sentence shall not be executed until the Governor or Secretary of Corrections issues a warrant; amending s. 922.11, F.S.; requiring the warden to set the day for execution within the week designated in the warrant; amending s. 922.12, F.S.; conforming provisions to changes made by the act; amending s. 922.14, F.S.; requiring the clerk of the Florida Supreme Court to send a letter to the Secretary of Corrections certifying that a person convicted and sentenced to death meets certain criteria; requiring the secretary to immediately issue a warrant upon receipt of the clerk's letter of certification directing the warden to execute the sentence within 180 days; prohibiting the secretary from issuing more than three warrants in a 90-day period; specifying how the secretary shall select which warrants to issue if he or she receives more than three letters of certification within a 90-day period; amending s. 924.055, F.S.; removing obsolete language requiring capital postconviction motions to be filed in accordance with statute; requiring capital postconviction motions to be filed in accordance with the Florida Rules of Criminal Procedure; amending s. 924.056, F.S.; requiring the Supreme Court to annually report certain

information regarding capital postconviction cases to the Legislature; requiring courts to report specified findings of ineffective assistance of counsel to The Florida Bar; amending s. 924.057, F.S.; providing legislative intent regarding postconviction proceedings in capital cases; repealing ss. 924.058, 924.059, and 924.395, F.S., relating to postconviction capital case proceedings; providing severability; providing an appropriation; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

House Resolutions Adopted by Publication

At the request of Rep. Porter—

HR 9101—A resolution recognizing the 100th anniversary of Advent Christian Village.

WHEREAS, established in 1913 on 1,000 acres of land donated by Thomas Dowling and Richard W. Sears to the Advent Christian Church, the American Advent Christian Home and Orphanage was chartered and incorporated in the State of Florida in 1915 and was the state's first retirement home, and

WHEREAS, in spite of natural disasters, the Great Depression, severe economic shortages, and other hardships, the Home and Orphanage thrived with the support of Advent Christian churches across the country, and despite taking slightly different forms, its mission has remained in keeping with the spirit of its founding: to express Christ's love by providing compassionate care and quality comprehensive services for senior adults, families with special needs, and children in a secure, supportive residential setting, and

WHEREAS, now known as Advent Christian Village, the humble Home and Orphanage has evolved into a self-contained community that welcomes people of all faiths, is made up of over 800 residents and members, and serves an additional 300 people in the surrounding community of Dowling Park, and

WHEREAS, Advent Christian Village consists of 300 rental apartments ranging in style from mid-rise apartment buildings to garden apartments, clusters, duplexes, and single-dwelling homes, while the Village Square offers a grocery store, a bank, a branch of the United States Postal Service, a beauty salon and barber shop, gift shops, a unique resale store, an arts-and-crafts shop, and a cafe, and its caring staff provide home care, social services, housekeeping, and transportation services, and

WHEREAS, the W. B. Copeland Medical Center, Advent Christian Village's state-of-the-art medical clinic, provides medical care in the areas of family practice, geriatrics, women's health, dentistry, and urgent care; offers various laboratory, testing, and radiological services; and provides outpatient rehabilitative services such as physical therapy, speech and occupational therapy, osteoporosis and joint care, pain management, stroke rehabilitation, and cognitive and communication therapy, among others, and

WHEREAS, as part of its centennial celebration, Advent Christian Village held the dedication and inaugural walk of the Village Heritage Trail, a walking path through the village along which are marked the locations of significant buildings from the early days of the village, complete with photographs and a description of how each structure served the ministry, allowing residents and visitors to reflect on 100 years of care, compassion, and excellence, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That Advent Christian Village is honored for a century of invaluable service to the citizens of this state and is heartily congratulated on the occasion of its 100th anniversary.

—was read and adopted by publication pursuant to Rule 10.17.

At the request of Rep. Porter—

HR 9127—A resolution recognizing April 2013 as "Springs Protection Awareness Month" in the State of Florida.

WHEREAS, Florida's springs are essential to the environment, economy, and citizens and visitors of this state, and

WHEREAS, Florida has one of the most productive aquifers in the world, which supports more than 700 natural springs and gives this state the world's highest concentration of springs, and

WHEREAS, the groundwater supply is vital to the state's economy and more than 93 percent of Florida residents rely on it, and

WHEREAS, Florida's springs reflect groundwater conditions and provide an important habitat for wildlife, making them a natural resource that must be protected, and

WHEREAS, springs provide important recreational resources and opportunities that are enjoyed by citizens and visitors of this state alike, and

WHEREAS, Florida's springs discharge more than 8 billion gallons of water each day, and healthy springs reflect the State of Florida's commitment to sustainable groundwater and surface water resource protection, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That April 2013 is recognized as "Springs Protection Awareness Month" in the State of Florida, and all levels of government are encouraged to support springs protection, restoration, and preservation awareness.

—was read and adopted by publication pursuant to Rule 10.17.

At the request of Rep. Ray—

HR 9137—A resolution celebrating Franco-Floridian relationships and recognizing Florida's rich French heritage.

WHEREAS, in 2012, the celebration of the 450th anniversary of a French presence in Florida commenced with recognition of the first French expedition, led by Jean Ribault, which landed in Florida in the spring of 1562, and

WHEREAS, the celebration continues through 2015 in recognition of a second expedition which, with the help of the Timucuan, led to the founding of the first French settlement on American soil, Fort Caroline near what is now Jacksonville, on June 30, 1564, and

WHEREAS, in October 2012, the French-American Chamber of Commerce in Miami, in partnership with the French Consulate, organized the first Miami-Nice Jazz Festival, which highlighted the partnership between the cities of Nice and Miami, which have been sister cities since 1963, and

WHEREAS, the number of sister-city relationships between Floridian and French communities has grown to 15, with the signing of a sister-city agreement between Cognac and the Village of Pinecrest, which will focus on educational initiatives, and

WHEREAS, in recognition of the importance of international cooperation, public schools in Miami-Dade and Broward Counties now offer a unique bilingual curriculum in French and English, known as International Studies, which allows K-12 students to simultaneously attend both the American and the French programs and obtain respective diplomas, and

WHEREAS, the France Florida Foundation for the Arts is a nonprofit organization created to promote French art and culture in this state and to support cultural, educational, and artistic exchanges between France and Florida through exhibitions, performances, lectures, and other cultural events that reflect the quality of French artists and scholars today, thereby promoting knowledge of the French language, history, and culture among local students and citizens, and

WHEREAS, an estimated 30,000 French citizens currently reside in this state, providing some 18,000 jobs and contributing significantly to the economic well-being of all Floridians, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives celebrates Franco-Floridian relationships and recognizes Florida's rich French heritage.

—was read and adopted by publication pursuant to Rule 10.17.

Cosponsors

CS/CS/CS/HB 487—McBurney

HB 559—Combee, Hood, Mayfield

HB 1039—Campbell, Edwards

CS/HB 1279—M. Jones

HB 4021—Campbell

HR 9127—Hood, Pafford, Powell

The Regulatory Affairs Committee reported the following favorably:
CS/HB 1107 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.19(c). Under the rule, CS/HB 1107 was laid on the table.

The Judiciary Committee reported the following favorably:
CS/HB 7083 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.19(c). Under the rule, CS/HB 7083 was laid on the table.

Votes After Roll Call

[Date(s) of Vote(s) and Sequence Number(s)]

Rep. :Cruz:

Nays—April 18: 183

Reports of Standing Committees and Subcommittees

Received April 19:

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